



FAIR POLITICAL PRACTICES COMMISSION

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April 28, 2010

Linda McCarthy, Treasurer
o/b/o Citizen's Committee of Fairfax

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✓ Linda McCarthy

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Warning Letter Re: FPPC No. 06/255, In the Matter of Citizen's Committee of Fairfax and Linda McCarthy

Dear Citizen's Committee of Fairfax and Ms. McCarthy:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged that you failed to disclose receipt of non-monetary contributions supporting your candidacy for the Fairfax Town Council in the November 8, 2005 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that in 2005 and 2006, you filed, with the County of Marin, campaign statements and reports as a general purpose county recipient committee. However, it appears that the committee's activity was solely related to the November 8, 2005 election in the Town of Fairfax before terminating in 2006.

The Act requires that committees formed or existing primarily to support or oppose candidates to be voted upon in one city, and city general purpose committees shall file the original and one copy of all campaign statements with the clerk of the city. These committees need not file with the elections official of the county in which they are domiciled. (Section 84215, subd. (e).)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Your actions violated the Act because you failed to file your campaign statements with the Fairfax Town Clerk. However, you filed all campaign statements with the county of Marin, and you have no prior history of violating the Act.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

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Angela J. Brereton
Senior Commission Counsel
Enforcement Division